

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL VERNSEY,

Plaintiff,

against

DIANE TOURON and KIM RICHARDS, FPMHNP,

Defendants.

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**STATEMENT OF MATERIAL  
FACTS**

Civil Action # 9:20-CV-00992  
(DNH/ATB)

As and for a Statement of Material Facts pursuant to Local Rule 56.1, the defendants, Dianne Touron and Kim Richards submit the following:

1. Plaintiff was a pretrial detainee at the St. Lawrence County Jail from April 6, 2019 to March 12, 2020. (Plaintiff's Complaint at Paragraph 4).
2. The defendant Dianne Touron is a licensed, credentialed, and experienced mental health counselor at the St. Lawrence County Jail (See, accompanying affidavit of Dianne Touron).
3. The defendant Kim Richards is a licensed, credentialed, and experienced family nurse practitioner, also certified in psychiatry (See, accompanying affidavit of Kim Richards, FPMHNP).
4. As of April 6, 2019, the plaintiff was not receiving any mental health treatment or medications (See, affidavit of Dianne Touron, and Exhibit J to Touron Affidavit, records of Gouverneur Hospital).
5. On his arrival to the St. Lawrence County Jail, a full and complete medical and mental health examination and interview session was conducted with the plaintiff (See, affidavit

of Dianne Touron and exhibit to plaintiff complaint, Doc 1-2, pages1-27).

6. Throughout the plaintiff's incarceration, Dianne Touron monitored all shift log entries made by various corrections officers, and evaluated and assessed the officers' observations and interactions of the plaintiff to ensure there were no indications of any significant mental health issues with this plaintiff (See, affidavit of Dianne Touron).

7. During the first eight months of plaintiff's incarceration, he requested mental health attention multiple times. Each such request was received, assessed, and evaluated by Ms. Touron, in consultation with corrections staff, and a response provided to the plaintiff in each instance, notwithstanding the fact that the plaintiff was generally not accepting of the response he received (See, plaintiff complaint, Document 1-2, pages 1-27 Affidavit of Dianne Touron).

8. At the time of the plaintiff's transfer from the St. Lawrence County Jail to State prison in March 2020, he was not receiving any mental health services, nor was he receiving any mental health medications (See, transfer materials attached to attorney's affidavit).

9. All actions taken by Ms. Touron and Nurse Richards with respect to this inmate were in keeping with accepted standards of practice, and in keeping with the defendants' goal of providing appropriate mental health care and safeguarding the inmates' present and future well-being (See, affidavit of Dianne Touron, affidavit of Kim Richards).

10. At no time was either defendant deliberately indifferent to the plaintiff's request for mental health intervention (See, affidavit of Dianne Touron, affidavit of Kim Richards).


11. At no time did the plaintiff exhibit a serious or significant mental health need warranting more intervention than he received (See, corrections officers' shift log, plaintiff deposition testimony, telephone records, electronic messaging records, Community Feelings

records transfer materials).

12. At no time did the plaintiff sustain any degree of harm or injury of a psychiatric or mental health nature (See, plaintiff's telephone records, tele-messaging records, records of attendance at group therapy sessions, and examination before trial testimony).

DATED: July 1, 2022  
Albany, New York

O'CONNOR FIRST

By:   
ANNE M. HURLEY  
Bar Roll No. 103024  
*Attorneys for Defendants*  
*Diane Touron and Kim Richards*  
20 Corporate Woods Boulevard  
Albany, New York 12211  
Phone: (518) 465-0400

**CERTIFICATION OF WORD COUNT**  
**Pursuant to Uniform Rule 202.8-b**  
**LENGTH OF PAPERS**

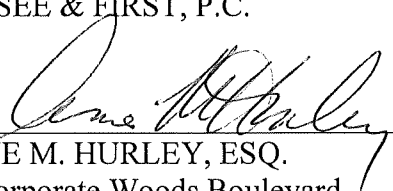
The foregoing Statement of Material Facts in Support of Motion for Summary Judgment has 488 words. Relying on the word-processing system used in preparation of this document, I hereby certify that it complies with the word count limit.

DATED: July 1, 2022

Respectfully submitted,

O'CONNOR, O'CONNOR,  
BRESEE & FIRST, P.C.

BY:

  
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ANNE M. HURLEY, ESQ.  
20 Corporate Woods Boulevard  
Albany, New York 12211  
Tel: 518-465-0400